

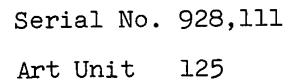


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SERIAL NUMBER	FILING DATE	FIRST NA	MED APPLICANT	ATTORNEY DOCKET NO.
928,111	7/31/78	John C. Chaba	la et al	161121A
-			7 [EXAMINER
David L. R		<u>_</u>		B.Hazel
Pat. Dept. P. O. Box	Merck & Co 2000	o., Inc.		ART UNIT PAPER NUMBER
Rahway, N.				125 5 ATE MAILED
			U	ATE MAILED: 41-10
		in charge of your application		APR 20 1979
This application ha	ıs been examined.	Responsive to communic	ation filed on $2-19$	GROUP 120 This action is made fina
A shortened statutory Failure to respond wit	period for response thin the period for res	o this action is set to expire ponse will cause the application	month(s), on to become abandone	
1. Notice of R	eferences Cited, Form		ION: 2. Notice of Info	rmal Patent Drawing, PTO-948.
A				
3. Notice of In	nformal Patent Applic	ation, Form PTO-152.	4	
	oformal Patent Applic OF ACTION			
Part II SUMMARY		1 22		are pending in the application.
Part II SUMMARY 1. Claims	OF ACTION	1-22		are pending in the application.
Part II SUMMARY 1. Claims Of the above	OF ACTION e, claims	1-22		are pending in the application. are withdrawn from consideration.
Part II SUMMARY 1. Claims Of the above 2. Claims	OF ACTION re, claims	1-22		are pending in the application. are withdrawn from consideration.
Part II SUMMARY 1. Claims Of the abov 2. Claims 3. Claims	OF ACTION re, claims	1-22		are pending in the application. are withdrawn from consideration have been cancelled.
Part II SUMMARY 1. Claims Of the above 2. Claims 3. Claims 4. Claims	OF ACTION e, claims	1-22		are pending in the application. are withdrawn from consideration have been cancelled. are allowed.
Part II SUMMARY 1. Claims Of the above 2. Claims 3. Claims 4. Claims	e, claims	1-22		are pending in the application. are withdrawn from consideration have been cancelled. are allowed. are rejected. are objected to.
Part II SUMMARY 1.	e, claims	1-22		are pending in the application. are withdrawn from consideration have been cancelled. are allowed. are rejected. are objected to. are subject to restriction or election requirements
Part II SUMMARY 1. Claims Of the above 2. Claims 3. Claims 4. Claims 5. Claims 5. Claims 7. The formal	drawings filed on	1-22		are pending in the application. are withdrawn from consideration have been cancelled. are allowed. are rejected. are objected to. are subject to restriction or election requirement are acceptable.
Part II SUMMARY 1. Claims Of the abov 2. Claims 3. Claims 4. Claims 5. Claims 6. Claims 7. The formal 8. The drawin	drawings filed on g correction request f	1-22		are pending in the application. are withdrawn from consideration have been cancelled. are allowed. are rejected. are objected to. are subject to restriction or election requirement are acceptable. has been approved. disapproved.
Part II SUMMARY 1. Claims Of the above 2. Claims 3. Claims 4. Claims 5. Claims 6. Claims 7. The formal 8. The drawin 9. Acknowled	drawings filed on g correction request f	1-22 - 22 filed on	.S.C. 119. The certified	are pending in the application. are withdrawn from consideration have been cancelled. are allowed. are rejected. are objected to. are subject to restriction or election requirement are acceptable. has been approved. disapproved. copy has

11. Other



Claims 1-14 and 17-22 are rejected under 35 USC 103 as obvious over the C-076 compounds used as starting materials in the preparation of the compounds instantly claimed. The hydrogenation of the double bond in these compounds is deemed prima facie obvious. There is not seen in the disclosure sufficient teachings to distinguish the instantly claimed compounds patentable over the starting compounds, e.g., unexpected property or increased activity.

Claims 15 and 16 are rejected under 35 USC 103 as obvious over the combined disclosure of the Kishi patent and the Chemical Abstract Citation 86 42838K. The Kishi et al. patent teaches the reduction of double bonds in macrolides of the type instantly claimed by hydrogenating in the presence of a suitable catalyst such as palladium The Chemical Abstract charcoal, platinum oxide, etc. Citation, supra, teaches the use of tris (triphenylphosphere) rhodium Cl as a catalyst in the hydrogenation of double bonds. To combine the teachings of the reference as in the instantly claimed process would appear obvious to a person of ordinary skill in the art having the above disclosures before him and desiring to catalytically reduce unsaturated macrolides.

Applicants' arguments regarding the rejections have been given careful study but are not found persuasive. The remarks in the amendment dated February 15,1979 concerning the cancellation of claims 15 and 16 have been noted, but there is no direction in the amendment to cancel

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said claims. Applicants' remarks concerning the affidavit demonstrating the superior and unexpected properties of the instant compounds over the prior art compound can be given no weight, since said affidavit has not been received.

No claims are allowed.

This rejection is made Final.

BHazel:ebw

A/C 703

557-2575

04/12/79

Johnnie R. Brown Primary Examiner

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